

Remarks

The Office Action requires that certified priority documents for the German applications be submitted. The certified priority documents, DE 101 53 167.2 and DE 101 21 075.2 are submitted herewith. An Information Disclosure Statement is included herewith, submitting the two certified priority documents, a translation of DE AS 1 042 265 and DE 23 07 507 B2, and US 5,305,141 A.

Drawings

While claim 2 states that the rotary element (15) comprises an input portion, it should be pointed out that the original German text of the specification states that the “input portion” of claim 2 is the rotary element 15. The reference sign “15” currently in the Figures is the rotary element 15. Therefore, no new feature need be shown in the Figures.

The Office Action states that reference signs 32 and 44 are mentioned in the specification, but reference signs 32 and 44 are not shown in the drawings. Therefore, the reference signs 32 and 44 are deleted from the specification with the submission of the following replacement paragraph [0021] deleting those reference numbers. This overcomes the objections to the drawings.

Claim Objections

Claims 1, 4 and 9 are amended to overcome the objections raised in the Office Action. Specifically, “particularly pocket binoculars” is deleted from claim 1 and introduced in new claim 15 according to amended claim 1. In claim 4, “internal” is replaced with “internally”. In claim 9, “displacement is changed to “adjustment”.

New Claims

New independent claim 14 is added that includes the features of claims 1, 4 and 8 with the feature “with the sun wheel (29) being arranged coaxial to hinge shaft (9)”. This feature is disclosed in Figures 4 and 5 and respective portions of the specification.

New claims 16-20 are based on and drawn from the following numbered paragraphs of the specification, original claim 1 and Figures 4 and 5.

| Paragraph Number | Feature |
|------------------|---|
| [0026] | adjustment shaft (35) is secured against rotary movements |
| [0027] | dioptré compensation |
| [0028] | engagement element (71) and its function |
| Old claim 1 | pocket binocular |
| Figures 4, 5 | sunwheel is a centric wheel |

Rejection of Claims Based Upon 35 USC 102 and 103

Akagi discloses a reduction gear unit (23) and a cam shaft (37) through which a focusing of lenses 11 and 12 can be achieved. Hereby reduction cam shaft (37) shows a rotary movement and no axial movement. The rotary movement of cam shaft (37) is induced by motor (22) via gears (G1-4). Helical groove (39) transforms this rotary movement into an axial movement of lenses (11, 12) via lever (38). If cam shaft (37) would be axially movable, then lenses (11, 12) would stand still, because no movement would be induced via lever (38) to the lenses (11, 12) and no focusing could be achieved. Therefore, original claim 8 is patentable in view of Akagi. Even more, new claim 14 and its dependent claims are patentable over Akagi, because Akagi does not disclose a sunwheel, but rather, a spur gear unit.

New claim 14 is patentable over Altenheimer in view of Wilkinson and Kamkura. Altenheimer shows a rotary element (1) by the actuation of which lenses are displaced for focusing. Kamkura discloses a binocular with a non-axial arrangement of the gear. The

disclosed gear wheels (8, 9, 10; 8', 9', 10') need nearly all the space a binocular can offer, i.e., from the middle of the binocular and into the tubes. The center gear (8) performs a rotary movement to intermediary gears (9, 9') and then to the larger gears (10, 10') which then seem to rotate the lenses. It takes a lot of effort to put those gears into both of the tubes. Even more, due to the non-axial placement of the gears, the double number of gear wheels is needed for focusing. The large and heavy gear wheels, especially those in the tubes, are disadvantageous. The lenses are directly moved by the gears, which takes an extra effort in the production and adjustment of all the elements. No light-weight binocular can be achieved with Kamkura.

In Figure 3 of Wilkinson, Wilkinson discloses a gear transmission stage (33) for a microscope comprising an eccentric (40) on which a single spur gear is fixed. When moved, this spur gear works together with toothed wheels 53/55. Such an eccentric assembly makes the production of the coarse/fine drive complex and expensive. Wilkinson named his wheels 53/55 sun gears. It is noted that in the field of gears, the sun wheel has an established meaning. It is the one wheel in the middle of the gear unit. Therefore, the expert would not name Wilkinson's wheels 53/55 sun gears. Internal gear might be the correct name.

Now, starting with the focusing unit of Altenheimer, Applicant respectfully cannot see how the heavy-weight gear units of Kamkura's binocular and the eccentric gear unit of Wilkinson's microscope can lead to Applicants' light-weight, and robust binocular. Applicant's centric sun wheel unit minimizes production costs and makes the assembly easier. With the invention, a minimum of gear wheels in a minimum of places realize a high gear transmission stage.

Given the above arguments, Applicant respectfully believes that the currently amended claims are patentable over the cited art, and Applicant requests further consideration and allowance of the claims.

Wherefore further consideration and allowance of the application as amended is respectfully requested.

A three-month extension of time in which to respond to the outstanding Office Action is hereby requested. PTO-2038 authorizing credit card payment for the amount of \$1,020 is enclosed for the prescribed Large Entity three-month extension fee, as well as the IDS fee of \$180, for a total of \$1,200 to be charged to the credit card.

Respectfully submitted,



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I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 5, 2005.



M. Robert Kestenbaum